

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
diGirolamo et al.

Serial No.: **10/701,190**

Filed: **November 4, 2003**

For: **STUD SPACER WITH INTERLOCKING
PROJECTIONS**

Docket No: **4782-042**

)
)
) **PATENT PENDING**

)
) **Examiner: Hunter M. Dreidame**

)
) **Group Art Unit: 3635**

)
) **Confirmation No.:5075**
)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

October 18, 2006

Date

Kathy L. McDermott

This correspondence is being:

- ☒ electronically submitted via EFS-Web

DECLARATION UNDER RULE 1.131 BY ED DIGIROLAMO

1. I am President of The Steel Network, Inc. (the Steel Network) and am a co-inventor of U.S. Patent Application Serial No. 10/701,190 (the '190 application) filed November 4, 2003. In addition, Mr. Mike Torres and Mr. Tom Trestain are co-inventors of the '190 application. We are the inventors of the claims in the '190 application, including claims 1, 16, 17 and 18.
2. We, the inventors, conceived the inventions claimed in the '190 application prior to July 2003. I met with my patent attorney, Mr. Larry Coats, and his firm's patent draftsman, Allison Willis, around the first part of July 2003. I explained to Mr. Coats and Ms. Willis the inventions that are described in the '190 application, and particularly the design, function and operation of the stud spacer shown in the '190 application. At the time, we at the Steel Network were working on a number of stud spacer designs, including the various designs shown in another

Steel Network co-pending application, serial no. 10/682,586 (the '586 application) which was filed October 9, 2003.

3. In late August 2003, Mr. Coats delivered to me three draft patent applications that he was working on for the Steel Network. See Exhibit 1. One of the three applications was a draft of the present application, which is referred to in Mr. Coats' e-mail as "stud spacer with interlocking tongue." Mr. Coats' firm's reference no. for that application is 4782-042.
4. Between late August 2003 and September 11, 2003 I reviewed this application. I found the application to be accurate. Attached as Exhibit 2 is my e-mail to Mr. Coats of September 11, 2003 telling him that we had reviewed a number of the draft applications including the '190 application, and that I had found it to be accurate.
5. The application that I reviewed between late August 2003 and September 11, 2003 is substantially the same application that was filed in the United States Patent and Trademark Office. The drawings that form a part of the application and which were prepared in the July/August 2003 timeframe are identical to the drawings that now exist in the patent application.
6. The inventions described in 1, 16, 17, 18 of the '190 application were conceived and were described in detail by at least late August of 2003.
7. Both the '190 application and the '586 application have been assigned to the Steel Network. At the time of the '190 application, all of the co-inventors were subject to an obligation of assignment to the Steel Network.
8. I hereby declare under penalty of perjury that to the best of my knowledge and belief all of the foregoing statements are true.



Ed diGirolamo

Date: 11/15/2006

Kathy Stehle

From: Kathy Stehle [kstehle@coatsandbennett.com]
Sent: Thursday, August 28, 2003 3:58 PM
To: 'ed@steelnetwork.com'
Cc: 'moconnor@steelnetwork.com'

RE: Sigma Stud (Our Ref. No. 4782-043)
Stud Spacer with Interlocking Tongue (Our Ref. No. 4782-042)
Buckle Bridge System (Our Ref. No. 4782-030)

Dear Ed:

With respect to the above three patent applications, we have delivered drafts to you for you and your people to review.

At your convenience, I would be glad to meet with you and discuss these three cases in order that we can get them filed as soon as possible.

Sincerely,

Larry Coats

Coats & Bennett, PLLC
P.O. Box 5
Raleigh, NC 27602

(919) 854-1844
Fax: (919) 854-2084



Kathy Stehle

From: Ed diGirolamo [ed@steelnetwork.com]
Sent: Thursday, September 11, 2003 3:33 PM
To: Kathy Stehle; Larry Coats (Larry Coats)
Cc: MaryJane O'Connor
Subject: Applications pending

Larry...

Comments on the patents referenced below:

RE: Sigma Stud (Our Ref. No. 4782-043)

Background... Page 1 Para. 3

Edit text as follows to clarify meaning...

Conventional channel shaped metal studs, such as those used in non-load bearing applications, are not as structurally efficient for load bearing applications where substantial bearing loads must be carried.

Should we define load bearing and non load bearing as...

Load bearing studs carry vertical floor and roof loads from above in addition to horizontal loads due to wind and other forces along the stud length.

Non load bearing studs carry horizontal loads due to wind and other forces along the stud length.

Description... Page 4 Paragraph 2

Fill in first blank with **37 degrees**
Fill in second blank with **15 degrees**
Fill in third blank with **89 degrees**

Description... Page 5 Paragraph 1

... thickness of the metal forming the stud would be in the range of **27 mils to 118 mils** which would equate to a gauge range of **22 to 10**.

Claims... Page 6 Claim 5.

Fill in the blank with **37 degrees**

We have reviewed the following applications and found them to be accurate...

Stud Spacer with Interlocking Tongue (Our Ref. No. 4782-042)

Buckle Bridge System (Our Ref. No. 4782-030)

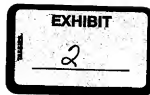
Bidirectional Bracket Wherein One Plate of the Bracket Moves Within a Track (Our Reference No. 4782-039)

Inventors are as follows:

BuckleBridging - Buckle Bridging System. Also called Stud Spacer for Metal Wall

IP-P-016

C&B 4782-



030 Edward R. diGirolamo, Michael L. Torres
SigmaStud IP-P-019 C&B 4782-043 Edward R. diGirolamo, Michael L. Torres, Nabil Rahman
DriftClip Continuation 2003 IP-P-020 C&B 4782-039 Edward R. diGirolamo, Michael L. Torres, Gary
Bennett, Michael Booth
BuckleBridging - Buckle Bridging System. Also called Stud Spacer for Metal Wall IP-P-021 C&B 4782-
042 Edward R. diGirolamo, Michael L. Torres, Thomas Trestain

Thank you...

Look forward to filing these soon.

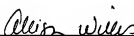
Ed

1. I, Allison Willis, reside at 1404 Baker Road, Raleigh, NC 27607.
2. I am independent contractor and perform patent drafting services for Coats & Bennett, PLLC (Coats & Bennett), an intellectual property law firm in Cary, North Carolina. I have worked for Coats & Bennett for approximately seven years.
3. I prepared the attached drawings (Exhibit 1). It is my understanding that these were the drawings that were filed in the United States Patent and Trademark Office and form a part of United States Patent Application Serial No. 10/701,190 and entitled "Stud Spacer With Interlocking Projections."
4. Shortly prior to July 10, 2003, I, along with Larry L. Coats of Coats & Bennett, met with Mr. Ed diGirolamo of The Steel Network, Inc. to discuss the invention shown in the drawings of Exhibit 1. Mr. diGirolamo explained the invention to me and Larry Coats.

5. Shortly after the meeting with Mr. diGirolamo I started preparing the patent drawings for this case. My time records for this matter are attached as Exhibit 2 and show that I started to work on the drawings on July 10, 2003, and that the drawings were prepared between July 10, 2003 and July 12, 2003.

6. I did no further work on the drawings after July 12, 2003. I have compared the drawings as they existed on July 12, 2003 and they are identical to the drawings that are shown in Exhibit 1.

7. I hereby declare under penalty of perjury that to the best of my knowledge and belief all of the foregoing statements are true.



Allison Willis

Date: 11.28.06

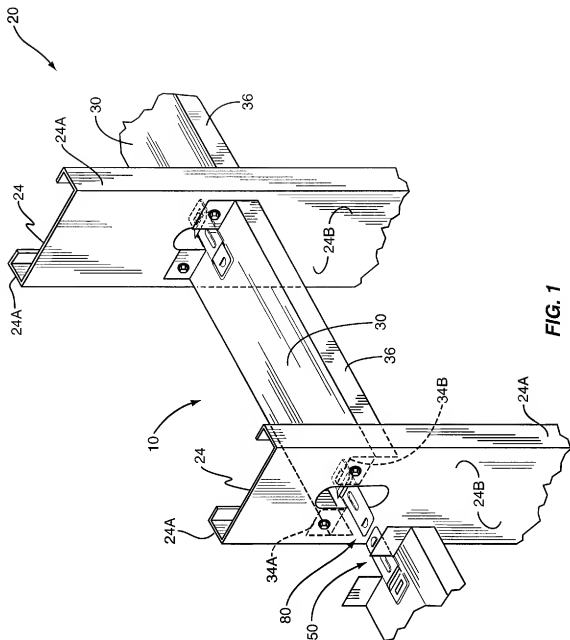


FIG. 1

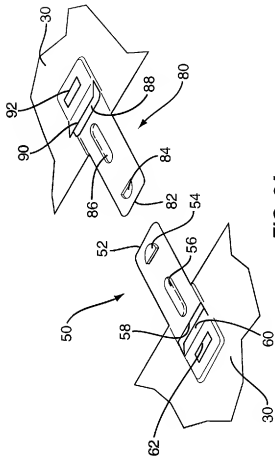


FIG. 2A

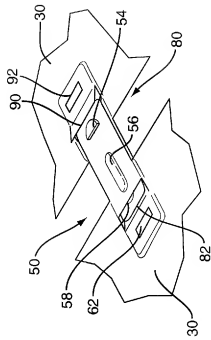


FIG. 2C

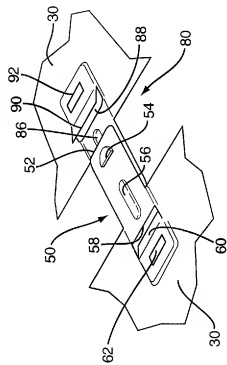


FIG. 2B

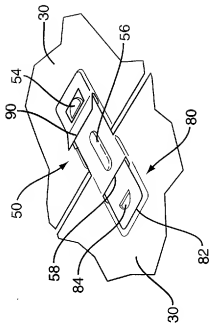
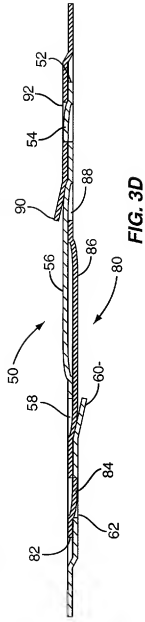
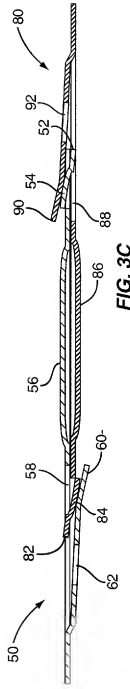
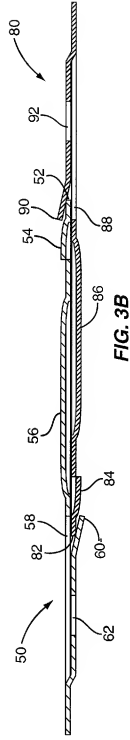
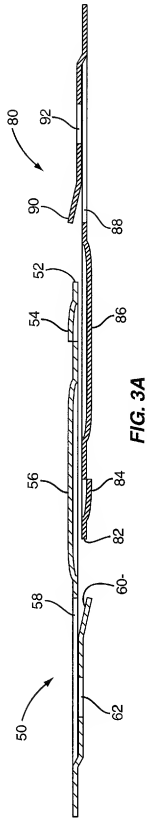


FIG. 2D



Date	Invoice #
8/17/2003	1648

Coats and Bennett, PLLC
1400 Crescent Green, Suite 300
Cary, NC 27511
USA

[illegible]

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